

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 8, 2005**

DIVISION ONE

B176576     Dino's Victory Roadhouse, Inc., et al.     (Not for Publication)  
              v.  
              City of Los Angeles

The judgment is affirmed. The parties are to bear their own costs on appeal.

Mallano, J.

We concur:    Spencer, P.J.  
                      Rothschild, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B179674     People v. Macias  
B180509     People v. Slater  
B174376     People v. Vasquez, et al.  
B177038     People v. Serrano, et al.  
B178213     People v. Williams

Argument waived, cause submitted.

DIVISION THREE (Continued)

B178734     Max & Son Construction, et al.  
               v.  
               Contractors State License Board

Merits:

Argued by Robert C. Burlison for appellants and by Anne Hunter, Deputy Attorney General for respondent. Cause submitted.

B179032     Shourd, et al.  
               v.  
               S&H Sales Company, Inc., et al.

Merits:

Argued by Mark Brifman for appellants and by Timothy D. Rand-Lewis for respondents. Cause submitted.

B172917     Edwards, et al.  
               v.  
               Edwards

Merits:

Argued by Anita Grace Edwards for appellant and by Tammy Nakada for respondent. Cause submitted.

B175471     Enayati  
               v.  
               City of Santa Monica, et al.

Merits:

Argued by David R. Akin for appellant and by Carol Kurtz, Deputy City Attorney for respondents. Cause submitted.

Court recessed at 11:18 a.m.

November 8, 2005 (Continued)

DIVISION THREE (Continued)

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B171639     People v. Barnes  
B175736     People v. Wheeler  
B179637     People v. Britson

Argument waived, cause submitted.

B179197     Galton  
B180892     v.  
               Long

Merits:  
Argued by Christopher Grivakes for appellant and by Keiko Kajima for respondent. Cause submitted.

B176596     People  
               v.  
               Ayani F.

Merits:  
Argued by Pat Winters for appellant and by Paul M. Roadarmel, Jr., Deputy Attorney General for respondent. Cause submitted.

Court adjourned.

November 8, 2005 (Continued)

## DIVISION FOUR

B177829 People (Not for Publication)  
v.  
Menefee

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J.

B121917      Simon      (Not for Publication)  
v.  
San Paolo U.S. Holding Company, Inc.

The portion of the superior court judgment awarding plaintiff punitive damages is modified to reduce the award to \$50,000. As so modified, the judgment is affirmed. Simon's motion pursuant to Code of Civil Procedure section 908 is granted. Simon's obligation to restore excessive punitive damages to San Paolo has been satisfied. No additional amount is owing. Each party shall bear its own costs on appeal

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

B176541 Freeman et al. (Not for Publication)  
v.  
Mostafavi et al.

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

November 8, 2005 (Continued)

DIVISION FIVE

B180795      People      (Not for Publication)  
v.  
Anthony Hernandez

The judgment is affirmed.

Turner, P.J.

I concur: Kriegler, J.  
I concur: Mosk, J. (opinion)

B177975      Allen Sarkiszadeh      (Not for Publication)  
v.  
Department of Real Estate, State of California

The judgment is affirmed. Defendant, the Department of Real Estate, State of California, is awarded its costs on appeal from plaintiff, Allen Sarkisza deh.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

B179601 People (Not for Publication)  
v.  
Terry Morris

The judgment is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                          Kriegler, J.

November 8, 2005 (Continued)

## DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                         Mosk, J.

B183202      Wedbush Morgan Securities Inc.,  
v.  
Jonathan Worley

Filed order modifying opinion. Petition for rehearing is denied. The opinion is modified on page 9, at lines 6 and 7 to delete the word "vacated" and to insert in its place the word "corrected". The opinion is also modified on page 9, lines 9 through 10 to delete the citation to *State Farm Mutual Auto Ins. v. Guleserian*, supra, 28 Cal.App.3d at p. 402 and to add *Ajida Technologies, Inc. v. Roos Instruments, Inc.* (2001) 87 Cal.App.4th 534, 542-543.

## DIVISION SIX

B181530 People (Not for Publication)  
v.  
Galvan

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

DIVISION SEVEN

|         |                            |                       |
|---------|----------------------------|-----------------------|
| B162636 | People v. Mendoza, et al   | (Not for Publication) |
| B173722 | Contreras on Habeas Corpus |                       |

Contreras's petition for a writ of habeas corpus is granted and the cause is remanded to the superior court with directions to set aside the judgment of conviction and to grant Contreras a new trial without admitting his police confession. Contreras's appeal is dismissed as moot. The judgment against Rivas is reversed. The judgment against Mendoza is affirmed as modified to give him custody credit of 392 days. The superior court is directed to amend the abstract of judgment to reflect the modification and to send a copy of the amended abstract to the Department of Corrections.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

DIVISION EIGHT

|         |                  |                       |
|---------|------------------|-----------------------|
| B176423 | People           | (Not for Publication) |
|         | v.               |                       |
|         | Kenneth E. Wyatt |                       |

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.

|         |                                    |
|---------|------------------------------------|
| B182219 | Lisa I.,                           |
|         | v.                                 |
|         | Superior Court, Los Angeles County |
|         | (Phillip V., r.p.i.)               |

Filed order denying petition for rehearing.